


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**

APR 29 2015

  
CLERK

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UNITED STATES OF AMERICA,

CR 15-50011

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

HENRY CHASE ALONE a/k/a  
HENRY BLACK ELK,

Defendant.

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The undersigned parties stipulate that the following facts are true and establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

On July 30, 2000, then-13-year-old R.W.P. was with several friends consuming alcohol. In the group were some older boys including Henry Chase Alone, C.R.S., and R.B. Henry Chase Alone also went by Henry Black Elk, then 17 years old, and was more than 4 years older than R.W.P. on that date, and he knew he was more than 4 years older than R.W.P. R.W.P. consumed excessive alcohol and eventually passed out at the home of Evelyn Cordelia Protector, C.R.S.'s mom. Protector's home was located in Manderson, South Dakota, which is within the exterior boundaries of the Pine Ridge Indian Reservation.

The next morning, July 31, 2000, Evelyn Protector emerged from her bedroom to find R.W.P. still unconscious. Someone had removed her pants and underwear causing her to be naked from the waist down. Protector began to yell at the young people who were still outside; several went into the house and dressed R.W.P. and carried her away from the home.

R.W.P. was taken to the Indian Health Service hospital in Pine Ridge, South Dakota, and was treated for severe alcohol poisoning. She had a Blood Alcohol Content (BAC) of .495 when she arrived at the hospital and she was in a coma. At the hospital she was intubated and ventilated and she was then transported to Rapid City Regional Hospital (RCRH) where she had a BAC of .366 and was still in a coma. A sexual assault exam was conducted to collect hair combing and swabs. R.W.P.'s clothing was also collected as evidence and later tested.

On August 7, 2000, R.W.P. was given a sexual assault exam by Dr. Lori Strong at Black Hills Pediatrics. Dr. Strong found that R.W.P. had a fimbriated hymen which had a healing laceration down to her posterior fourchette. It was later determined that R.W.P. was pregnant and the pregnancy was terminated on September 27, 2000, at Planned Parenthood in Sioux Falls, South Dakota. The fetal remains were sent to Memorial Blood Centers in Minnesota for paternal testing which were inconclusive.

The case went cold after C.R.S. and R.B.'s DNA did not match the profile obtained from R.W.P.'s sex assault exam. Chase Alone's DNA was not obtained

at that time, but the DNA profile from the sex assault exam was entered into the nationwide DNA database known as "CODIS."

In 2013, Henry Chase Alone was indicted in the Central Division of the District of South Dakota along with Rochelle Breckbill (Lebeau) for Involuntary Manslaughter and Child Abuse, case number 13-30185-02. Chase Alone was given pretrial diversion and his DNA was entered into the nationwide DNA Database CODIS. In February of 2014, the FBI recognized a possible association between the DNA taken from the perpetrator of R.W.P. from the sexual assault exam and the DNA of Henry Louis Chase Alone from his 2013 case. To confirm the perpetrator's identity, the United States sought a warrant and the FBI collected a sample from Chase Alone on July 7, 2014, and that sample was submitted to the FBI crime lab for comparison to the DNA from the R.W.P. sex assault exam. On November 10, 2014, the FBI crime lab confirmed that the DNA found in R.W.P.'s sex assault kit matched the DNA from the known sample taken via the search warrant from Henry Chase Alone, meaning he penetrated R.W.P.'s vulva with his penis which caused injury, which constituted serious bodily injury.

4/28/15  
\_\_\_\_\_  
Date

RANDOLPH J. SEILER  
Acting United States Attorney

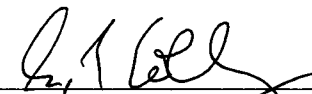
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4/22/15  
Date

  
HENRY CHASE ALONE  
a/k/a Henry Black Elk  
Defendant

4/22/15  
Date

  
GARY G. COLBATH, JR.  
Attorney for Defendant